

HEALTH

Overview

The TressCox health law practice is one of the largest and most experienced in Australia.

We are well connected to the health industry, its peak bodies and key professionals, so we can offer a real understanding of the issues. When professional, ethical and commercial issues compete, our legal advice is sensitive to every nuance, influence and reality for one particular reason: our health team has specialist expertise with many long-term relationships within the industry.

We have acted in many of the recent landmark cases, hold various board and advisory positions within the industry and have been actively involved in lobbying government simply because we are across every aspect of health.

The firm's extensive expertise has been gained from acting for a broad spectrum of health entities including medical defence organisations, insurers, medical practitioners, public and private hospitals, professional and learned college, community health providers, ambulance services, medical associations and allied health professionals.



TressCox has more listed lawyers in Best Lawyers in the field of Health Care than any

other firm in Australia.

Services

Defence Litigation

The TressCox health team specialises in common law negligence and has defended medical practitioners and hospitals in all jurisdictions. They currently manage over 300 medical negligence files.

We have particular experience in the conduct of claims involving the failure to diagnose cancer, which usually involves accelerated timetables and expedited trials. We have also conducted many brain damaged claims.

We regularly appear in courts, tribunals and mediations without Counsel.

Our unique understanding of the health industry and experience handling medical malpractice claims enables us to anticipate the challenges facing our clients. We work with the client to achieve an effective resolution that is sensitive to their unique situation.

Comprehensive bordereaux are maintained in relation to all claims managed by the health team.

Inquiries, Disciplinary Tribunals and Administrative Law

The firm has acted extensively in the area of administrative law and has specialised expertise in respect of administrative decision making. In particular the firm has significant experience representing health professionals and has acted in respect of:

- Statutory interpretation of legislation
- Proceedings under the Professional Services Review Scheme (Health Insurance Act) and subsequent appeals
- Coroners' inquests

- Professional Standards Committees
- Medical Tribunals
- Appeal Committees under the Health Services Act
- Health Rights Commission
- Health Care Complaints Commission
- Veterinary Board Inquiries.

Risk Management and Compliance

Given the risks inherent in the health care industry, TressCox is sensitive to the need to minimise and manage risk as much as possible. We are highly experienced in undertaking legal risk audits on client operations, with a particular focus on the design and implementation of risk management practices, policies and protocols in accordance with the guidelines in managing risks in the health sector published by Standards Australia.

Our risk audits include general safety, OH&S, public liability, compliance and negligence. Generally, our risk management program recommends management by ensuring compliance, conducting strategic and focused audits, and making sure risks are excluded or shifted as far as possible.

Key areas of risk management and compliance that we have focused on include:

- Clinical and patient consenting
- Clinical care including clinical pathways
- Privacy policies and procedures.

TressCox has a long standing record of:

- Proactively assisting clients in managing anticipated/threatened claims and enquiries from individuals and the media, from the time of occurrence through to resolution
- Damage control – identifying and managing those claims which have the potential to result in adverse publicity and “copycat” claims
- Consistently providing ongoing education and information programmes for all levels of staff
- Liaising with Government Departments, State and Commonwealth, on a myriad of health issues
- Managing sensitive adverse incidents proactively in public forums.

Workplace relations

We specialise in workplace relations for the health sector and can assist with:

- Drafting VMO appointment documentation and contracts
- Drafting hospital by-laws in the private sector
- Employment and workplace relations
- Accreditation and credentialing.

For the past 20 years we have advised AMA (NSW) in relation to VMO contracts throughout the public hospital system, including a two-year arbitration against the Minister for Health.

Track Record

The firm has defended some of Australia's best known medical negligence cases in the High Court, Supreme and District Courts (or their equivalents) in NSW, QLD, VIC and the ACT. Some of our more recent matters include:

- Superclinics v CES
- Chappell v Hart
- Lowns v Woods
- Alexander v Heise
- Koziol v Anasson
- Perrin v Bleasel
- Brooks v Upjohn
- Deeb v Guirgis
- Special Commission of Inquiry into Campbelltown and Camden Hospitals ("Walker Inquiry").

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